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P. 9

EX-B

FROM : NORMAN FRIEDLAND

PHONE NO. : 561 626 3919

Apr. 16 2004 10:29AM P2

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APR 16 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of FREDRIC GOLDSTEIN Docket no.: N898 (amended)

Serial No.: 09/340,303

Examiner: KIM, EUGENE LEE

Filing Date: 06/28/99

Art Unit: 3721

Title: **RIBBON CURLING AND SHREDDING DEVICE**

OFFICIAL

Commissioner of Patents and Trademarks
Washington, DC 20231

DECLARATION OF NORMAN FRIEDLAND

**In Support Of Fredric Goldstein's Petition To Withdraw The Holding
Of Abandonment Of The Instant Application.**

COMES NOW the declarant, Norman Friedland, an officer of the court, of sound mind, capable of making this Declaration and personally acquainted with the facts herein, deposes and states under oath as follows:

1. I am a registered patent attorney licensed to practice before the US Patent and Trademark Office.
2. I am the attorney of record in the instant application 09/340,303 with my file no. N898.
3. On August 25, 2003 I received from my client Fredric Goldstein by e-mail the final comments and revisions of the reply to the Office Action of April 25, 2003. I was given clear instructions by Mr. Goldstein to file the reply at the earliest possible moment and this was in line with his consistently expressed intentions that a reply be timely filed to the April 25, 2003 Office Action.
4. The following day, August 26, 2003 I formatted this final draft and printed it out.

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5. Because the three month period for response had passed, I was required to prepare and pay for an extension of time, which I did.
6. Both these activities were duly recorded in my daily time sheet (see Exhibit D).
7. As is my practice, I then placed the reply in an envelope, addressed it to the PTO, and placed the required stamps.
8. Then, as is my normal practice, I often mail correspondence to the PTO by placing the stamped addressed envelope in the mail tray at the secretary's desk where she will in turn take it the same day to the mailbox outside the building. I cannot recall a single instance where this procedure has not been carried out.
9. In my normal business operation, I will mail a reply or amendment on the same date that the time is entered. On rare occasions, it may be the following day if I worked out or was out of stamps, etc. on the day of completion, however on no occasion can I recall during my decades as a patent attorney that the mailing has occurred later than one day after completion and entry in my time sheet.
10. Shortly thereafter, in creating the August 30, 2003 invoice for the month of August work, I invoiced Mr. Goldstein for this work. I understand that this invoice is being submitted by Mr. Goldstein for this petition (Exhibit C).
11. I was informed by Mr. Goldstein on January 16, 2003 that this reply to the April Office Action was never received by the Examiner. I checked and became aware that I never received the stamped return postal card from the PTO.
12. I called Examiner Kim and left a message. In a return phone call, Examiner Kim asked me to fax to him the reply, which I did on January 20, 2004. I was not advised at that time to

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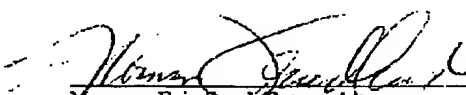
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file any petition of any kind and therefore I perhaps misunderstood the effect of faxing the reply on that date.

13. Examiner Kim called me on April 6, 2004 and informed me that his supervisor said that the only remedy for survival of the above application is to file a petition and that a Notice of Abandonment would follow. This was my last involvement with this application other than my declaration herein.
14. There absolutely was never any intention that this application be abandoned. Much work has gone into its prosecution and I believed throughout the six month period, and up until being made aware on January 16, 2004, that a timely reply to the April 2003 Office Action was in fact mailed to and received by the PTO. Whether the timely mailed reply was lost in the post or at the PTO, this application however was never 'abandoned' by Mr. Goldstein and my understanding has always been crystal clear that his unambiguous intention has always been to fully pursue its prosecution towards obtaining an ultimate patent.

I declare under penalty of perjury under the laws of the United States of America that to the best of my personal knowledge and belief the foregoing is true and correct.


Norman Friedland, Patent Attorney04 / 16 / 2004
Date